

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC	)	Case No. 1:19-cv-145
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	MAGISTRATE JUDGE
	)	THOMAS M. PARKER
SOUTH UNIVERSITY OF OHIO, LLC,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**MOTION OF THE RECEIVER FOR AN ORDER (a) EXPEDITING  
CONSIDERATION OF AND (b) SHORTENING THE NOTICE AND  
OBJECTION PERIODS FOR THE EMERGENCY MOTION OF MARK  
E. DOTTORE, RECEIVER OF THE ART INSTITUTE OF LAS VEGAS,  
LLC, FOR AN ORDER AUTHORIZING THE SALE OF  
SUBSTANTIALLY ALL OF THE ASSETS OF THE ART INSTITUTE OF  
LAS VEGAS, LLC, FREE AND CLEAR OF LIENS, ENCUMBRANCES,  
CLAIMS AND OTHER INTERESTS (WITH CERTAIN EXCEPTIONS)  
AND FOR TRANSFER OF THE INTERESTS OF UNPAID  
HOLDERS OF INTERESTS TO THE PROCEEDS OF THE SALE**

Mark E. Dottore, the duly appointed and acting receiver herein (the “**Receiver**”) for the Receivership Entities (as defined in the Amended Order Appointing Receiver [Docket no. 150] (the “**Receiver Order**”)), hereby moves the Court for the entry of an order expediting the consideration of and shortening the notice and objection periods applicable to the Emergency Motion of Mark E. Dottore, Receiver of The Art Institute of Las Vegas, LLC, for an Order Authorizing the Sale of Substantially All of the Assets of The Art Institute of Las Vegas, LLC, Free and Clear of Liens, Encumbrances, Claims and Other Interests (with Certain

Exceptions) and for Transfer of the Interests of Unpaid Holders of Interests to the Proceeds of the Sale [ECF Doc. 390] (the “**Sale Motion**”)<sup>1</sup>. A proposed order granting the relief requested in this motion is attached hereto as Exhibit A. In support of this motion, the Receiver says as follows:

### **Introduction**

1. Earlier today, the Receiver filed the Sale Motion seeking, *inter alia*, authorization to sell to Save the Art Institute of Las Vegas Limited (“**Save AI Las Vegas**”) or its assignee substantially all of the assets of The Art Institute of Las Vegas, LLC (“**AI Las Vegas**”) free and clear of liens, encumbrances, claims and other interests (the “**Sale**”). The timeframe for completion of the Sale is extremely short; the license to operate AI Las Vegas expires on July 31, 2019, and there are other matters that must be completed as is stated in more detail in the Sale Motion.

### **Jurisdiction and Venue**

2. The relief requested in this motion is governed by FED. R. CIV. P. 66, Rule 66.1(c) and (d) of the Local Rules for the United States District Court for the Northern District of Ohio (the “**Local Rules**”), and the Receiver Order.

### **Basis for Relief Requested**

3. Fed. R. Civ. P. 6(c)(1) provides, in pertinent part: “A written motion and notice of the hearing must be filed at least 14 days before the time specified for

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<sup>1</sup> Capitalized terms used but not defined in this motion shall have the meanings given to them in the Sale Motion.

the hearing, with the following exceptions: . . . (C) when a court order—which a party may, for good cause, apply for ex parte—sets a different time.

4. Local Rule 7.1(d) provides that “[u]nless otherwise ordered . . . each party opposing a motion must serve and file a memorandum in opposition . . . within fourteen (14) days after service of any non-dispositive motion. If a party opposing a motion was served with the motion under Fed. R. Civ. P. 5(b)(2)(C), (D), or (F), three days shall be added to the prescribed period . . .” Using that calculation, the earliest that a hearing could be held on the Sale Motion would be July 30, 2019, assuming that the Receiver were to choose to forego the filing of a reply memorandum. *See* Local Rule 7.1(e).

5. The Receiver respectfully requests that (i) the Sale Motion be heard no later than 5:00 p.m. on July 29, 2019, (ii) the time period for notice in connection with the Sale Motion be shortened so that the Sale Motion can be heard no later than 5:00 p.m. on July 29, 2019, and (iii) any responses or objections to the Sale Motion be filed no later than four (4) hours before the time as scheduled by the Court for the hearing.

6. Cause exists to shorten the notice period and objection deadline for the relief sought in the Sale Motion and to hold an expedited hearing on the Sale Motion, to wit: Unless the Sale Motion is heard and the relief requested in the Sale Motion is granted in time to close the Sale before the license to operate AI Las Vegas expires (July 31, 2019), there will be nothing for Save AI Las Vegas to buy,

the school will close, and the students now enrolled at AI Las Vegas will have to be taught out with no chance of the school continuing to operate.

7. Pursuant to Fed. R. Civ. P. 6(c)(1)(C), the Court may rule on this motion without the need for a hearing, and the Receiver requests that this motion be granted forthwith without a hearing.

#### **No Prior Request**

8. No prior request for the relief sought in this motion has been made to this or to any other court in connection with this case.

#### **Notice**

9. Notice of this motion will be given to all parties in this case by means of the Court's electronic filing system and on various interested non-parties, including the United States Department of Justice, the United States Department of Education, the United States Department of Labor, and the Internal Revenue Service by FedEx or UPS overnight delivery. Proof of such service will be placed on the record following completion of the service.

WHEREFORE, the Receiver respectfully requests that this Court enter an order substantially in the form of Exhibit A (i) setting the Sale Motion for hearing no later than 5:00 p.m. on July 29, 2019; (ii) shortening the time period for notice in connection with the Sale Motion sufficiently that the Sale Motion can be heard no later than 5:00 p.m. on July 29, 2019; (iii) requiring that any responses or objections to the Sale Motion be filed no later than four (4) hours before the scheduled hearing; and (iv) granting such other and further relief as the Court may deem proper.

Dated: July 15, 2019

Respectfully submitted,

/s/ James W. Ehrman

Mary K. Whitmer (0018213)

James W. Ehrman (0011006)

Robert M. Stefancin (0047184)

WHITMER & EHRMAN LLC

2344 Canal Road, Suite 401

Cleveland, Ohio 44113-2535

Telephone: (216) 771-5056

Telecopier: (216) 771-2450

Email: mkw@WEadvocate.net

jwe@WEadvocate.net

rms@WEadvocate.net

*Counsel for Mark E. Dottore, Receiver*